

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOAN PASINI, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

FISHS EDDY, LLC (d/b/a Fishs Eddy),

Defendant.

Case No.: 1:16-cv-00354-PGG

Hon. Paul G. Gardephe

**NOTICE OF MOTION AND
PLAINTIFF'S UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

PLEASE TAKE NOTICE THAT as soon as the matter may be heard before the Honorable Paul G. Gardephe in Courtroom 705, located at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, Plaintiff, Joan Pasini, on behalf of herself and on behalf of the proposed Settlement Class, will and hereby does move the Court, pursuant to Federal Rules of Civil Procedure Rule 23, for an Order granting preliminary approval of the proposed class action settlement on the terms and conditions set forth in the Stipulated Settlement Agreement and Release ("Settlement" or "Agreement"), a copy of which is attached to the Declaration of Chant Yedalian as Exhibit 1.¹

Plaintiff further moves the Court for an Order:

1. Certifying the Settlement Class for settlement purposes;
2. Appointing Plaintiff Joan Pasini as the Class Representative for the Settlement Class;
3. Appointing attorneys Chant Yedalian of Chant & Company A Professional Law Corporation and Charles J. LaDuca and Peter Gil-Montllor of Cuneo Gilbert & Laduca, LLP as Class Counsel for the Settlement Class;
4. Appointing Atticus Administration, LLC as the Settlement Administrator to administer the Settlement;
5. Approving the proposed notice to the Settlement Class, including the Full Notice, Short-Form Notice, and Claim Form attached as Exhibits C, B and A, respectively, to the Agreement;

¹ Capitalized terms shall have the same meanings as in the Agreement, unless indicated otherwise.

6. Directing notice to be made to the Settlement Class as described in the Agreement;
7. Preliminarily approving the Settlement subject to final review by the Court;
8. Establishing deadlines for Settlement Class members to submit a request for exclusion from the Settlement and to submit objections to the Settlement; and
9. Setting a final approval and fairness hearing on or about 130 days after the date that the Court grants preliminary approval of the Settlement.

This Motion is based upon this Notice of Motion and Motion, the Declarations, Exhibits and other documents filed concurrently in support thereof, the papers and pleadings on file in this action, and upon such other and further evidence as the Court may adduce in ruling on this Motion.

Date: August 18, 2017

Respectfully submitted,

/s/ Chant Yedalian

Chant Yedalian (*pro hac vice*)

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